IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 13910 of 2005

Between:

1 Yasalapu Rambabu, S/o.Naga Raju,
Innispeta, Stadium Grounds, Rajahmundry, E.G.District.
2 Gudupuvalasa Satyanarayana, S/o.Ramulu,
Innispeta, Stadium Grounds, Rajahmundry, E.G.District.
3 U.Lingaiah, S/o.Nagendra,
Innispeta, Stadium Grounds, Rajahmundry, E.G.District.
4 Vutla Veerakotamallaiah, S/o.Subbaiah,
Innispeta, Stadium Grounds, Rajahmundry, E.G.District.
5 Padagala Rama Divakar, S/o.Suri Appa Rao,
Innispeta, Stadium Grounds, Rajahmundry, E.G.District.
6 Kadiyam Prakash Rao, S/o.Dhanraj,
Innispeta, Stadium Grounds, Rajahmundry, E.G.District.
7 Nukella Janardhana Swamy, S/o.Subba Rao,
Innispeta, Stadium Grounds, Rajahmundry, E.G.District.

... PETITIONERS

AND

Commissioner, Municipal Corporation, Rajahmundry.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ in then nature of Mandamus, declaring the action of the respondent herein in issuing the impugned notification dt.19-6-2005 as illegal and arbitrary and Violative of Articles14,16 and 21 of the Constitution of India and consequently direct the respondent not to conduct auction for the shops from Nos. 5 to 11 in the New Shopping Complex by considering the representations dt.19-6-2005 of the petitioners.

Counsel for the Petitioner:MR.B.GAJENDER REDDY

Counsel for the Respondent : MR.A.VISHNU VARDHAN REDDY

The Court made the following :

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ORDER:

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1. This writ petition has been filed by the petitioners who are 7 in number with a prayer to issue a writ, order or direction more particularly one in the nature of writ mandamus, declaring the action of the Respondent in issuing the impugned Notification dated 19-6-2005 as illegal and arbitrary and violative of Articles 14,16 and 21 of the Constitution of India and consequently direct the Respondent not to conduct auction for the shops from No. 5 to 11 in the New Shopping Complex and consider their representation dated 19-6-2005.

2. The petitioner No.1 has given sworn affidavit in support of the writ petition. It is stated in the writ petition that the petitioners have been eking out livelihood by doing petty business in shopping complex at the stadium grounds in Innispeta, Rajahmundry. The said shops have been allotted to them by then Municipality, Rajamundry, on a monthly rent of Rs.210/- per each shop in 1969. In 1997-98 the shops were demolished for the purpose of widening the road and new shops were constructed and the said shops were allotted to the petitioners by enhancing the monthly rent from Rs.210/- to Rs.600/- in the shopping complex. The respondent-Corporation has constructed another new shopping complex. Three shops are allotted to three persons, among twenty persons who have been running the respective business since the year 1969.

3. The grievance of the petitioners is that the respondent without considering the claim of the petitioners for allotment of shops in new shopping complex is proceeding to auction 16 shops.

4. Heard the learned counsel for the petitioners and learned standing counsel for the Respondent Corporation.

5. It is the grievance of the petitioners that three persons whose shops have been demolished in road widening have been considered for allotment of shops in the new shopping complex and therefore, their claim also to be considered on par with

those persons.

6. Admittedly, the petitioners are in possession of the shops and their shops are not demolished in the road widening. Such is the situation, they cannot compare with the persons whose shops have been demolished in road widening.

7. When the petitioners have been in possession of the shops in one complex, they cannot have any further right to stall the auction proceedings in respect of the shops in new shopping complex.

8. The writ petition, therefore is devoid of merits and accordingly the same is dismissed. No order as to costs.

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B. Seshasayana Reddy,J.

15th July, 2005.

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ASSISTANT REGISTRAR

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SECTION OFFICER

To

1. Commissioner, Municipal Corporation, Rajahmundry.

2. 2 CD copies

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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15TH JULY, 2005